

## Message Text

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ACTION IO-14

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E.O. 11652: NA

TAGS: AORG, UNDP, EAID

SUBJ: UNDP-17TH GC: WORKING GROUP ON DRAFT OMNIBUS  
STATUTE

1. GROUP CHAIRED BY URUGUAYAN GIAMBRUNO (2ND VP OF 17TH GC) IN FIRST TWO SESSIONS HELD 18 JANUARY DECIDED BEGIN WITH FIRST READING TEN ARTICLES (1, 8, 16, 17, 30, 31, 32, 33, 40 AND 43) WHICH HAD REQUIRED FURTHER CONSULTATIONS BETWEEN SYG AND ADMINISTRATOR. RESULTS TO DATE AS FOLLOWS:

A) NETHERLANDS PUT FORTH MAJOR LANGUAGE BUT NO SUBSTANTIVE CHANGES ARTICLE I WHICH WILL BE FURTHER DISCUSSED THIS WEEK.

B) ARTICLE VIII, TRUST FUNDS, APPROVED WITH INCLUSION FORMERLY BRACKETED WORDS "IN EXCEPTIONAL CASES" US, YUGOSLAVIA AND FRANCE ALL SPOKE IN FAVOR THIS INCLUSION.

C) ARTICLE XVI, RESPONSIBILITY FOR UTILIZATION OF FUNDS, APPROVED AFTER DECISION DROP PARA 2 AS UNNECESSARY, AND BEATING BACK RUSSIAN ATTEMPT DROP PARA 3 WHICH INTER ALIA CONTAINS FOLLOWING LANGUAGE " ALSO CONSIDER WHAT ACTION MAY BE NECESSARY WITH RESPECT TO CURRENCY FOUND NOT READILY USABLE."

D) ARTICLE XVII, FINANCIAL REGULATIONS, APPROVED.

E) ARTICLE XXX, ORGANS, AFTER LONG DEBATE FOCUSING AROUND WHETHER OR NOT TO EXPLICITLY SPELL OUT THAT UNDP  
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IS A SUBSIDIARY, VICE PRINCIPAL, ORGAN OF THE UN. THE DISCUSSION WAS SUSPENDED TO AWAIT COMMENTS OF UN LEGAL

OFFICE. LINDSTROM OF UNDP PUSHED HARD TO KEEP WORD "SUBSIDIARY" FROM BEING ADDED TO ARTICLE INFERRING IT WOULD DOWNGRADE UNDP'S STATUS, PROFILE, FACE, EGO, ETC. IN THE WORLD AND INTERNATIONAL ORGANIZATIONS COMMUNITIES. INDIA, NETHERLANDS, UK, NEW ZEALAND FAVORED ADDING WORD "SUBSIDIARY" WHILE US, JAPAN, ITALY, FRG, UPPER VOLTA, POLAND, SWEDEN, BELGIUM WERE OPPOSED. US (KITCHEN) REMINDED GROUP OF HOW SPECIAL FUND WAS STARTED (LANGUAGE CONTAINED IN DOCUMENT, ETC) AND THAT WHILE ECOSOC AND GA RIGHTLY GAVE RECOMMENDATIONS TO THE GC OF UNDP THEY DID NOT GIVE IT ORDERS. HE RECALLED THE NEGOTIATIONS THAT LEAD TO THIS PECULIAR SAFEGUARD BEING BUILT INTO THE ROLE OF THE GC BECAUSE OF ITS IMPORTANCE RE THE PUBLIC TRUST OF LARGE AMOUNTS OF MONIES CONTRIBUTED BY MANY GOVERNMENTS.

F) ARTICLE XXXI, ECONOMIC AND SOCIAL COUNCIL, APPROVED WITHOUT DEBATE.

G) ARTICLE XXXII, THE GENERAL ASSEMBLY, INDIA PROPOSED AN AMENDMENT THAT WOULD PERMIT GA WHEN REVIEWING UNDP REPORTS TRANSMITTED BY ECOSOC TO MAKE "RECOMMENDATIONS OR DECISIONS AS CONSIDERED APPROPRIATE" THE US, ITALY, UK AND FRANCE OPPOSED THE INDIA AMENDMENT SAYING ITS SCOPE WOULD BRING US TOO FAR IN AN UNFORTUNATE DIRECTION. INDIA REFUSED TO WITHDRAW ITS SUGGESTION AT THIS PRELIMINARY READING STAGE AND DISCUSSION WAS SUSPENDED.

H) ARTICLE XXXIII, COMPOSITION AND FUNCTIONS, CANADA PROPOSED THAT A (J) ITEM BE ADDED TO PARA 2 "TO UNDERTAKE SUCH OTHER FUNCTIONS AS MAY BE DELEGATED BY THE GA." TURKEY STRONGLY SECONDED BY THE DUTCH, WANTED (J) REVISED TO INCLUDE DELEGATIONS BY ECOSOC AS WELL AS GA. THE U.S. OBJECTED TO THE ADDITION OF ECOSOC ARGUING THAT ALL ECOSOC RECOMMENDATIONS TO UNDP HAD TO BE BOUNCED OFF OF THE GA FIRST. DUTCH DISAGREED. THE US VIEW WAS SUPPORTED BY UPPER VOLTA AND THE LEGAL COUNCIL (MENDEZ) OF UNDP. DUTCH KEPT PUSHING ASKING FOR A LEGAL OPINION ON THE ECOSOC ISSUE FROM THE UN LEGAL OFFICE IF NECESSARY. FURTHER DISCUSSION ON ITEM DEFERRED.

I) ARTICLE XL, STAFF OF UNDP, WHO, GIVEN OPENING BY DUTCH, INDICATED THEY AND SOME OTHER EXECUTING AGENCIES  
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NOT IN AGREEMENT WITH TEXT AS DRAFTED AS IT WOULD TEND GIVE DIFFERENT RIGHTS, SALARIES ETC TO THEIR PEOPLE WHO WORK ON UNDP PROJECTS IN FIELD VICE HOME OFFICE PERSONNEL, ETC. OLVER OF UNDP SAID MODERN MANAGEMENT DEMENDED ADMINISTRATOR HAVE THE POWERS LAID OUT IN PARA 3 AND THAT THE UN, AN EXECUTING AGENT OF UNDP, HAD NO PROBLEMS WITH LANGUAGE. US AND BRAZIL, WHILE AGREEING WITH UNDP OBJECTIVE HERE, REMINDED GROUP THAT ITS ROLE WAS TO CODIFY NOT TO LEGISLATE AND INNOVATE. FRANCE AGREED. US SUGGESTED THE CHANGE IN PARA 4 SUGGESTED IN ANNEX C

OF US POSITION PAPER.  
BENNETT

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